

form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22517. Misbranding of process butter. U. S. v. 13 Cases of Process Butter. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32369. Sample no. 55695-A.)**

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On January 18, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of process butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about January 9, 1934, by the Cloverleaf Butter Co., from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Cloverleaf Brand Process Butter Manufactured by Cloverleaf Butter Company \* \* \* Birmingham, Alabama."

It was alleged in the libel that the article was misbranded in that the statement on the carton, "One Pound", was false and misleading and deceived and misled the purchaser, since the cartons contained less than 1 pound of butter.

On May 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22518. Misbranding of apple butter. U. S. v. 24 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32392. Sample no. 50626-A.)**

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than 2 pounds, the labeled weight.

On March 19, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of apple butter at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce, on or about February 13, 1934, by the Goodwin Preserving Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Ko-We-Ba Brand with pure apple cider, contents 2 lbs. pure Apple Butter."

It was alleged in the libel that the article was misbranded in that the statement "Contents 2 lb.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22519. Misbranding of salad oil. U. S. v. 18 and 23 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32409. Sample nos. 67422-A, 67423-A.)**

This case involved quantities of a product consisting chiefly of cottonseed oil which was labeled to create a misleading impression because of the prominence given the statement "Pure Olive Oil." Sample cans taken from both lots were found to be short volume.

On March 21, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 alleged gallon cans and 23 alleged half-gallon cans of salad oil at Newark, N. J., alleging that the

article had been shipped in interstate commerce, on or about March 6, 1934, by Geraldi-Dorman, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Oil Red Star Olio Finissimo \* \* \* Packed by Geraldi-Dorman, Inc. Contents One Gallon Net [or "Contents Half Gallon Net"]."

It was alleged in the libel that the article was misbranded in that the statements on the gallon size, "Olio Finissimo Per Insalata Vegetable Oil 85% Colored and Flavored with 15%", followed by the very prominent statement "Pure Olive Oil," and the statements on the half-gallon size, "Olio Finissimo Per Insalata Salad Oil Flavored Slightly with", followed by the very prominent statement, "Pure Olive Oil", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was olive oil, whereas it consisted chiefly of cottonseed oil. Misbranding was alleged for the further reason that the statements on the respective labels, "Contents One Gallon Net" and "Contents Half Gallon Net", were false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On May 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22520. Adulteration of Spanish olives. U. S. v. 24 Dozen Jars of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32415. Sample no. 66987-A.)**

Samples of olives taken from the shipment involved in this case were found to be wormy.

On March 22, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen jars of olives at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 9, 1934, by Mawer-Gulden-Annis, Inc., from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "La Sevillana Spanish Olives 1 Pt. 10 fluid oz. Mawer-Gulden-Annis, Inc., New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22521. Adulteration and misbranding of confectionery. U. S. v. 86 Packages of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32420. Sample no. 66851-A.)**

This case involved a shipment of confectionery that contained alcohol. The article was also mislabeled since it was labeled "Not a Confection."

On April 9, 1934, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 packages of confectionery at Roswell, N. Mex., alleging that the article had been shipped in interstate commerce, on or about March 2, 1934, by the Schultz Candy Co., from Oak Park, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chokicks Cordials Not a Confection Tower Products \* \* \* Chicago" or "Cordials Not a Confection."

It was alleged in the libel that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained spirituous liquor.

Misbranding, under the provisions of the law applicable to food, was alleged for the reason that the statement "Cordials Not a Confection", was false and misleading and tended to deceive and mislead the purchaser.

On May 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*